

**Town of Milford
Zoning Board of Adjustment Minutes
December 4, 2014
Case #2014-20
San-Ken Homes, Inc.
Special Exception**

Present: Zach Tripp, Chairman
Fletcher Seagroves, Vice Chair
Michael Thornton
Joan Dargie
Len Harten, Alternate
Kathy Bauer, Board of Selectmen Representative

Excused: Laura Horning

Secretary: Peg Ouellette

The applicant, Sun-Ken Homes, Inc., owner of Map 40, Lot 104-4 and Map 45 Lot 3, 17 & 18 located on Mile Slip, Wolfer & Boynton Hill Roads located in the in the Residence R district, is requesting a special exception from Article VI, Section 602.6:A to allow a total of 6,400 square feet of wetlands impact and 25,700 square feet of wetlands buffer impact associated with road construction.

Minutes Approved on December 18, 2014

Zach Tripp, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board and introduced the Board. He read the notice of hearing into the record. The list of abutters was read. Chad Branon, Civil Engineer of Fieldstone Land Consultants appeared on behalf of the applicant. Abutters Stanley Nowicki of 560 Mason Rd., Mark & Wendy Suprenant of 160 Mile Slip Rd., Charles & Christine Gibson of 172 Mile Slip Rd, Michael and Heidi Theriault of 187 Mile Slip Rd., and Steven & Shelley Lasalle of 201 Mile Slip Rd. were present.

Applicant's presentation:

Property total has approx. 184.6 acres with frontage on three lots. Zoned Residential R and wooded and trails. He handed out copies of the plan to the board. Jurisdictional wetlands are shown on plan as light shades and green and open space are the darker. Property has areas of steep slopes. Topography slopes form west to east with high point on proposed Lot 41. Z. asked if high point was all center lots.

They are. There is conservation land along west. Property is subdivided into 54 residential lots. Since it exceeds five lots it is required to be an open space subdivision. Required open space is 40 percent of area, or 73.8 acres with 50 percent of the land of acceptable land, which is non-wet, non-steep land. This provides for 75.7 acres open space with 55.4 acres acceptable land, which exceeds requirement. No minimum lot size requirement for open space subdivision. Minimum frontage required is 50 ft per lot and this proposed lot is range of 1 -1.2 acres with 100-150 ft frontage. Will be served by on-site wells and septic and two roadways, Boynton Hill Rd which extends from Mason Road. From the end of Boynton Hill Rd out to Mile Slip Rd as shown on plan. There will be a spur road of approx. 1,000 ft. centrally located on the plan. Roadway is designed to minimize wetland and buffer impact and will met state and local regulations & permit guidelines. Project will require permit by NHDES, Alteration of Terrain Bureau, Wetlands Bureau, as well as all local permits required.

Z. Tripp asked what approvals received so far and where they are in approval process.

C. Branon said they have gone before the Planning Board conceptually and design review. Planning Board voted on density. The proved it out for 61 lots conventionally but ultimately requested 54 to maintain one acre minimum lot size. Prior to submitting and being able to go before Planning Bd. for final application, they have to come before the ZBA to address wetlands. This is initial step before going to Planning Bd. Traffic engineers currently doing traffic study. They are pulling together all necessary requirements based on meetings with staff. They intend to submit, assuming approval of ZBA, to the next Planning Board meeting. Project has been before Planning Board a number of times. They got confirmation of density of 54 lots. Overall feedback from staff and Planning Board has been positive to date, reflected in Bill Parker's 12/3/14 memo. They met with many department heads and initial reviews are favorable. They will be reviewing everything again when formal submission is made. Looking at plans, proposed area of impact are seven wetland crossings and associated impacts and two buffer impacts.

Z. Tripp asked him to walk through impact on each area and point out which ones were approved in 2002.

C. Branon said first impact is for construction of stormwater basin, IB3 on Plan. Impact is 1,350 SF of buffer impact. No wetlands impacts associated with that area.

Z. Tripp asked if they were putting a storm basin in the buffer.

C. Branon said clipping the buffer with the storm basin. Topography is steep so must traverse the slope to meet requirements. Town regulations dictate alignment of road making sure they reach 8 percent. In order to handle stormwater they had to grade in a basin at the corner and there is a culvert outlet heading in the northeast direction. 1,350 SF of buffer impact associated with that. Moving to west, IB2 is another stormwater basin they are constructing, taking road drainage from the high point Lot 41 to the area on the uphill. It will collect all that stormwater. There is a treatment swale with an infiltration basin with outfall south to that basin. That will be 3,950 SF. Next impact area is Area A which is currently impacted. There is road going through there. There is a timber bridge and wetland area around that crossing has been manipulated in the past. Impact is 500 SF wetlands and 1,500 SF buffer.

Z. Tripp asked what the disturbance was.

C. Branon said it was a common driveway. It is an isolated upland area. A wetland finger comes from west to east and across in southeasterly direction. They will be crossing that to access a buildable area. Next area, B, will consist of common driveway splitting off and accessing another isolated buildable area in the back. There will be 700 SF of wetland impact and 1,750 SF of buffer impact. Area C is also already disturbed. There was a 24 inch concrete reinforced culvert. Existing gravel road will be used. Wetland impact is 900 SF with 1,350 SF of buffer disturbance. Next area, on right side of plan, a wetland finger running east-west, Area D. 1,350 SF of wetland impact and 4,200 SF of buffer impact.

Z. Tripp asked if it was purely for construction of a road.

C. Branon said yes. To the right is E, roadway impact. 500 SF of wetland impact and 4,750 SF of buffer impact. Continuing in same direction, Area F, with 700 SF of wetland impact and 3,300 SF buffer impact.

Lastly, G was previously approved in 2002 as part of original Boynton Hill Road subdivision. It was never constructed and permit lapsed. They are applying for re-approval of that crossing. Has been redesigned to all current standards, with 1,800 SF wetland impact and 3,800 SF buffer impact. So, a total of 6,400 SF wetland impact and 25,700 SF buffer impact. Pretty good impact considering size of the project and amount of land. Wetland on side pretty much all seasonal, wet in spring and dry in fall. They were dry when site was walked with Conservation Comm. and Planning Bd. Wetland crossings required as you move from existing Boynton Hill Rd through the site. Fair amount of terrain running west-east so they tried to parallel contours thereby minimizing impact to and for construction of road and balancing slopes, thereby minimizing impact to wetlands. Tried to take path of least impact. They had to tie back into Mile Slip Rd. Similar to previous project, they have and are finalizing stormwater elements of the proposal. Many required mitigating. They are capturing all improved areas and routing to stormwater area where it will settle out. They have to meet all design criteria as discussed in the previous application. Project will require Planning Board approval which will require review by environment coordinator. Town will get services of an outside engineering company to review it, which is an independent review. They contacted traffic engineer when presenting plan to the Planning Board. A number of abutters' concerns re traffic. Met with town staff and went over traffic concerns and scope of traffic study. Client has hired a traffic engineer. On state level, they will have Alteration of Terrain permit. Will need wetland permit and state subdivision approval, as well as approval for septic design since it is not tied to municipal services. Tried to have a large portion of site connected to open space. A lot of site abuts existing conservation land. Conservation Comm. is interested in managing open space area. Majority of wetlands have been situated to be in open space area where possible. That is goal whenever dealing with open space subdivision. He was happy to answer any questions.

Z Tripp asked for photos of the crossing, which the Bd. had not gotten and C. Branon handed them out.

The first photo was first wetland crossing, A on plan, shows existing road coming into the area. Next was photo of old failed timber bridge. Inlet and outlet areas were manipulated in past. Design would install culvert with headwalls and more conventional crossing area. The next wetland crossing is the common driveway, breaking off to the right to access Lot 22. Photos 3 and 4 show crossing areas. No standing water. It is seasonal runoff. They are proposing culvert in that location in order to responsibly cross the wetland area.

M. Thornton asked the diameter.

C. Branon said proposed to be 48 inch culvert and substrate in the culvert so it will be embedded with 1 to 1 1/2 ft of material in it so it will have a natural bottom. Next photo was Crossing C, with 900 SF impact. The reinforced concrete pipe could be seen where access road went through. Culvert failed at some point. This proposal would clear up that area and adequately replace that culvert with appropriate size culvert. Crossing D – 1300 SF wetland crossing. Area has sort of an existing road. Area manipulated in past. Proposing to install a culvert meeting all regulations with adequate cover sized according to all town requirements and would be associated buffer impact. Photos represent that area has been crossed in past with vehicle traffic, possibly part of a logging operation. Wetlands in this area are seasonal and channelized so impacts are pretty small. Where slope gets steep they break out and disappear. Soil is well drained. They have done test pits on all lots to prove it will support septic and have done test pits in the roadway. They are beyond concept point. A lot of design elements are done and drainage design done. They know they can mitigate. They have to do things in correct sequence. Crossing E – 500 SF wetland disturbance. Crossing F – 700 SF disturbance. They propose culvert in both. Many of the wetland crossings have culvert just before the wetland. Purpose is to capture stormwater runoff before it gets into wetland in order to convey it to stormwater management area and treat runoff and meet local and state regulations. He presented photos for crossings E & F. Last crossing was approved in 2002. It went through the Zoning Board at that time. There are two existing lots of record in the back side of this wetland crossing would be required to access two existing lots part of Boynton Hill Subdivision. One of the largest wetland impacts because of terrain which drops down and comes

back up. They have to meet with existing Boynton Hill Rd on the other side and are restricted with a right of way. They don't own property on each side of the right of way. The design for this crossing is somewhat driven by constraints and therefore wetland impact is 1,800 SF and buffer impact is 3,800 SF. Z. Tripp asked Board for questions.

J. Dargie asked if the Conservation Comm. letter would be addressed.

C. Branon said that first item on the letter stated the wetlands are high value forming the headwater of Great Brook. Wetlands in this side from function and value standpoint are not great value. They are at headwater of Great Brook. They walked the site with the Conservation Comm. and Planning Board. Majority of wetland crossings proposed are already disturbed and not in high function area. They have been able to put majority of open space land which will preserve those in perpetuity. Re #2 "The lack of runoff on this parcel is an indicator of good soil drainage. Reducing the amount of pervious surfaces may have detrimental impact on the abutters and wetland functionality," they are altering the property with the road, lot development, but it is no different than any other project. It is their charge to put together a plan with stormwater management, ditch lines, conveyances, swales, etc, whatever is required to mitigate the improvements. They have filtration basins, some of which are pretty large in size to accommodate and mitigate water runoff. That will be their charge at Planning Board level, on staff, their third party engineer and state level. It won't get approved unless they do so. Any subdivision will have impact and under current regulations will have stormwater elements needed to mitigate those improvements. Final details of design exist and will be presented to the town. A design is in place that will address this comment, but he felt it wasn't necessarily applicable at this level because it hadn't been reviewed yet. Water will be collected, mitigated and then outletted into the wetland so it will not have impact on the function.

M. Thornton said a lot of this was steep and will mean water velocity, causing erosion. What is done to mitigate that?

C. Branon said there are design elements you need to apply on steeper slopes, erosion control fabric on the slopes to allow it to vegetate so any rainfall that hits the slope doesn't erode the soils. Mr. Elkind the Environmental Coordinator and on-staff engineer addressed that in staff memo which is part of final design package. It is typical with subdivisions you are not required to design all lots, septic locations, etc, but Mr. Elkind requested they do that to make sure all slopes accounted for and all lots can be developed and all engineering requirements for the steep slopes can be addressed. They did that and all that will be submitted to the town. Those are all part of the final plan to be submitted to the Planning Bd. Re #3, "All culverts should be box culverts" it is possible to achieve the same goal as a box culvert with oversized one. One of the crossings similar wetland from hydrological and water shed analysis they may be able to get away with a 12 inch or 24 inch culvert. They oversize it which allows for the unforeseen to happen without detrimental impact to infrastructure and allow passage of wildlife, and it is viewed favorably by the state. The only place they have had to do box with state wetland permit crossings was where there was water – a stream. The first driveway crossing does see flow for a good portion of the year but it is seasonal. Recommendation is culverts with infilling which is less intrusive to the construction. They would like to stay away from box culverts if possible. The last statement "the Commission feels crossings are the least impact to allow the developer to utilize the property." He liked that.

Z Tripp and J. Dargie asked about whether crossing G was standing water, or a brook and, and about the others.

C. Branon said G is a brook which is seasonal. All are seasonal except for G, and A which has flow; but he has seen it dry up.

Z. Tripp asked if B would be flowing at all times.

C. Branon said going upstream you lose flow. B does not have flow. It didn't have any when they walked it.

Z. Tripp referred to comment in application re utilizing the pre-existing logging road. Was that mostly re A and C, or as entire design as a pre-existing road.

C. Branon said A is definitely existing crossing. When they walked site, it was evident that D and E were utilized for logging crossing and tried to center on that as well. Those two have been manipulated before.

Z. Tripp asked him to go through other designs looked at and how they are not as viable.

C. Branon there was a lot of site constraints, such as location of Boynton Hill Rd. It was an existing right of way and no opportunity to change that. When you come in, turn to the east, it creates the alignment and sends you in direction of property contour which run west to east. They tried to balance cuts and fills to minimize impact of the wetland. They had some alignments that came up further to the west, but heading west you are parallel to the wetland and ended up with more impact because they were not hitting the wetland perpendicular to the wetland. When you hit a wetland perpendicular and parallel to the slope you go through the buffer and wetland crossing as fast as possible with least impact. Majority of impact is on right side of plan, driven by right of way, contour of property, and wetlands. They didn't want to move road arbitrarily without considering that. This was best design. Had to contemplate slopes and meet town regulations. This project does. They are not requesting waivers from Planning Bd. or variance. On the left they are utilizing two existing crossings. When there is existing impact they try to hit that area. Many times poor design or poor intent in the past can be cleaned up.

J. Dargie said where the road comes down Mile Slip the elevation is higher than abutting property across the street. Is that storm collection well dug down so it doesn't run into the homes on the other side?

C. Branon said it is a storm water basin which will require land altering activities but no buffer or wetland impacts, and doesn't affect this evening's application. It has been reviewed with staff and will be extensively reviewed. That is required to control and mitigate stretch of road from Mile Slip up to storm water basin IB2. Storm water intent is to try to capture it before it gets to the area, treat it and convey to a channel already handling storm water, which is typically a jurisdictional wetland.

Z. Tripp asked for any further questions from the Board.

J. Dargie re C. Branon's comment that the storm water had nothing to do with the road. Is that not a wetland in that area?

Z. Tripp said the wetlands are the light green areas and buffers are the dashed line.

C. Branon said there are no buffers or wetlands in that location.

Z. Tripp there is IB3 which is a buffer. Is the proposed road is mostly raised?

C. Branon said the existing center line follows the terrain so they filled in on downhill and cut on the uphill. In some areas they may have small fill on the uphill side and slightly larger in some. The terrain varies throughout. The goal is to create something that feels natural. There will be a house on each side of the road so you have to contemplate driveways, etc. When the town requested they redesign the lots they were already there because you can't ignore that there will be lots. If there are slopes to contend with, his client won't be happy with a nice road, he can't build on the lots. Re wetland, they were trying to minimize fill for the road to minimize impact. What drives the elevation at the wetland crossings is ability to contemplate cover with adequate cover.

Z. Tripp opened the meeting for public comment.

Charles Gibson of 172 Mile Slip Rd, said is aware of the culvert on the other side of Mile Slip Rd from his house. He cleans it out in the spring. He hopes they will fix it. Any water has to go under Mile Slip Rd and run parallel to his property and switches over. Where the Delages live are two fairly small ponds. He worried that if the culvert not properly fixed, water will come off the road and down his driveway and wash his shed away.

C. Branon would like to answer that, but it didn't pertain to this application or to buffer or wetland impact. Area has been analyzed. It is their charge to not increase runoff. Rate of runoff has to match or be less than pre-existing runoff. They have inspected that culvert. He understands the concern.

Engineers are meeting with DPW to discuss it. He can't tell Mr. Gibson what solution that might be. As part of this project they are and will be evaluating that area.

Z. Tripp if there was pre-existing road or driveway.

C. Gibson said it was a driveway.

Heidi Theriault asked why they were talking about wetlands if they can't decide how the road will be done or the whole development without causing flooding. There is flooding now. The town is out there all the time fixing the road and flooding with storms. Mr. Gibson's property is at a higher level and it comes down to her drive, which washes out. Why are they talking about getting wetlands approved when they don't know if they approve the whole thing with water problems? She said it is running every day, not seasonal. The kids fish in it. It is coming from a brook. She's all for having new neighbors and doesn't want to stop anybody from making money. When the neighbor's house is on fire and the Fire Dept. is parking in your drive because the road isn't big enough, that needs to be addressed first before getting a development with no access out of the road.

Z. Tripp said there is always a cart before the house concern. You finish the design and address all these concerns and then approvals for special exceptions or variances, or do you get those before you do the work?

C. Branon said they can't meet with the Planning Bd. until they go to the ZBA. These concerns are addressed by Planning Bd. He understands her concerns. The impacts are not going to have a detrimental impact because they will be part of a design that must meet regulations. A scenario that could happen – but doesn't happen often or will happen in this case, it is not uncommon that a third party will not agree with everything or the state may ask for something additional. There is a chance that something will bring them back before the ZBA. They did conservative assumptions with stormwater calculations where they feel that won't happen. You can't submit calculations until they go through the ZBA process. There are many more approvals to go through. A lot of the concerns raised at the Planning Board, are not addressed at ZBA. ZBA meeting addresses the impact. Their reason for being there is that they are putting a design forward to meet regulations and the need to impact the wetlands and buffer to do that. Many are associated with drainage. Every wetland has a culvert; every buffer is stormwater related. This is just the first step of many.

Michael Theriault of 187 Mile Slip Rd. had concern with area that was clear cut approx. a year ago. He pointed out headwater to Great Brook and once it clears Mile Slip it floods. Volume that will come off the hill once houses, lawns and drainage-a brook isn't shown on plan- will come through his and his neighbor's yard. Concerned that 12 or 14 inch culverts were large enough. Water coming down currently forms two brooks running into a 6 or 8 inch culvert on Mile Slip Rd. Applicant said culverts failed in the past. If it is opened up and 48 inch culverts put in, water will hit his house.

C. Branon said they must meet criteria that state adopted of new extreme storm rainfall events which accommodate a lot of heavy rain seen in the last 5 to 10 years with large storms more frequently. They run detailed analysis. The town and state regulations are calculated the same way. It is conservative. They aren't changing flow pattern. They are proposed to cross wetlands; culverts will be sized adequately and will be reviewed by no less than three engineers. No existing conditions are relevant to this project. They have to mitigate their improvements. They work with Planning Bd and local staff.

Z. Tripp said the concern he heard re IB3 and A & B was it may increase the flow and asked him to speak to installing culvert and putting driveway over it will not increase flow.

C. Branon said they must mitigate existing conditions. Three engineers will review it. Once they have numbers, they cannot increase those numbers, the rate of flow. They would have to mitigate. The failed culvert was 28 inch concrete pipe that was not installed properly and was undersized. When something starts to fail there is water going over the driveway. There is no impoundment currently at the culvert that is mitigating flow. It is a free flow. Proposal is for number of storm water mitigation components. A stormwater basin on the uphill side adjacent to the wetland C area to mitigate runoff. They are proposing an area to capture, mitigate and meter the runoff.

An audience member asked him to explain a holding pond.

C. Branon said if excavating an area, they put in a structure that only lets flow leave at a certain rate. C. Branon said controlling flow so it will not exceed existing volume and may even reduce it. He cannot say, since there is a lot of design problems not related to wetland and buffer impacts.

Z Tripp asked, re A and B and driveway, which is fairly sloped. The additional runoff would be the driveway that is not there now. How much driveway would not increase flow.

C. Branon said it is difficult to control. There will be localized increase. What is done is to go elsewhere in that same watershed and offset that increase by capturing a larger area somewhere else and metering it off to the same wetland. You can't capture flow running off the drive and into the wetland. At C they propose a basin in the same watershed so it will have a watershed that collects and meters the runoff from that basin. The same in the basin to the left on the plan. As a whole project, flow offset will be no different than today and will meet all local and state regulations. Local ones are fairly stringent.

M. Thornton said he was hearing that currently, without additional flow, it is not acceptable and there is nothing applicant can do to make the water go away. It can be caught and the rate slowed. That amount will come down, maybe slower, but it will run down. It is not abutters' land or responsibility. That is extraneous to the question. It is important to the audience and needs to be resolved.

J. Dargie said it did and didn't; if you add a culvert and a driveway you put pavement there.

M. Thornton said you must capture it before it leaves the property and attenuate the flow.

C. Branon said the runoff will be mitigated. They couldn't get approval unless they do so.

J. Dargie asked if that has changed in last seven years. She cited Ledgewood which is steep and that water just gushes down. She doesn't know who is mitigating that.

C. Branon said it will be reviewed by three engineers. It has changed in the last seven years. Alteration Terrain Bureau adopted new rainfall regulations last year. Regulations went through complete overhaul four years ago. They must mitigate volume. Stormwater is hardest part. They must do it. He has stamped report for another engineer to review. He understands concerns. There is a lot of water out there. Smaller storms are harder. Larger are easier because a larger structure is built to hold it back. During larger storms, possibly there may be less flow because of stormwater infrastructure of this project.

Z. Tripp re IB, 3 A, B, C, are all fairly steep terrain and D E F and G fairly flat.

C. Branon said there is a slope from west to east as road goes into middle area to almost flat and then goes to 8ft, but IB3 is a collection area. Reason for digging it away is to collect stormwater and get it into another basin at bottom of the hill. That impact is important to control and collect stormwater. They would stay out of all buffers if they could, but that is not possible. They need to impact in order to mitigate this project.

Z. Tripp said it was now 10:25 p.m. They have been discussing stormwater runoff. He wanted to make sure anyone else in audience had a chance to comment. He wanted to focus on buffer and wetland impact, which was the reason for the meeting.

J. Dargie asked for Conservation Comm. representative to speak.

Chris Costantino of Conservation Comm., North River Rd., said the Commission's comments are still what they have. Site is difficult, which Mr. Branon acknowledged. They are meeting regulations. These are comments she hoped would be considered in the Board's deliberations.

J. Dargie asked why they recommend box culverts.

C. Costantino said literature shows animals are more comfortable with a larger space. With a box culvert it is open at the top. With a rounded culvert, vertical space is lost. Animals will move where they will. She suspected if they didn't like the round culvert they would move elsewhere which could lead to more potential road kill.

S. Fournier of Woodward Dr. said another reason for box culverts is that beavers are less likely to dam up a big box culvert. She agreed with the Conservation Comm. letter. Need to prevent harm to high

value of headwater of Great Brook, and not building additional impervious surfaces. She disagreed with applicant's assertion that impacts are negligible. She felt answers to seven questions not as objective as they could be. Re impact on wildlife, what about impact on endangered species and species of conservation concern as told to applicants by Natural Heritage Bureau, i.e. blanding's turtles as endangered, and wood turtles as species of concern. What did NH Fish and Game tell applicant? Habitat is being severely modified where blanding's turtle might go. Blanding's turtles and wood turtles migrate distances, and they are in the area.

Z. Tripp agreed the application does mention species found by Natural Heritage and asked him to address that.

C. Branon responded to comment re box turtles and beavers. Audience mentioned beaver dam on Mile Slip. C. Branon said there are no swamps or beaver activity on subject property. Conservation Comm. letter summed it up well. It should be noted that over 75 percent of property is being placed in conservation in perpetuity, which plays into the wildlife component. There were two hits on NHB data. They deal with Fish and Game and EPA. Normally those things are sometimes five miles or two miles away from the site. They will look for putting land in conservation as a form of mitigation of impact proposed. They deal with Fish and Game and then submit proposal after favorable determination by ZBA. They can't go anywhere without addressing Ms. Tuttle. In order to generate the plans and to certify the wetlands boundary and vernal pool certification, they have spent lots of time on this property, with no sightings of any species that were in the NHB hit. They don't believe it will negatively impact, especially pertaining to the crossing; it is wetland and buffer impact. They don't believe there will be negative impact on species or any criteria that will be addressed in the special exception. He said the white area on plan is not all going to be developed. There will be large contiguous area undisturbed. Z. Tripp recapped, they got data for NH Heritage for potential endangered species and then to Fish and Game.

C Branon said they submit location of proposed project with no details. Data check was done and came up with only two hits. Next step is submitting plan. Sometimes looking at, for example, 184 acres and approx. 6,700 SF of wetland impact and approx. 25,000 of buffer would be pretty reasonable with amount of land, amount of development, and proposing 75 acres into permanent conservation easement. With over 10,000 SF of wetland impact, mitigation must be addressed. This exceeds the ratio that for every 1 SF of wetland impact you put 10 SF wetland buffers, if mitigation requirement is triggered. There is chance Miss Tuttle may request a mitigation proposal, but she could look and say it exceeds. He suspects it will go that way.

S. Fournier said the two hits mentioned are actual, not potential. The hits are within a mile; she spoke to the Natural Heritage Bureau and was also told that applicant has to contact them soon. He needs to tell Town what is happening, as it is endangered species.

C. Branon said he was the one who submitted the NHB report. He is aware of the two hits and must address it to get approval. It is not his understanding it had to be addressed at this level to get special exception for buffer and wetland impact.

Z. Tripp said one of the questions pertains specifically to wildlife.

C. Branon intent is to have no impact. If Fish and Game says they have to come back, they will. They don't believe there is large impact given amount of open land if, in fact, that they are on the locus of this site. The plan meets local regulations and they believe it meets all state regulations. NHB is federal. Applicant must satisfy them. He feels design submitted addresses what they typically require for mitigation.

Chris Gibson of 172 Mile Slip Rd asked about collection points. It was mentioned that once it gets to a point there are some kind of holes where the water can drain out. Who is responsible for maintaining that once the construction is done, to make sure additional flow created is maintained and kept open?

C. Branon said stormwater questions may be getting beyond, but proposal and what was reviewed with DPW it was agreed this would be a town road maintained by DPW.

Charles Gibson asked if comments had to be pertaining to water.
Z. Tripp said they must pertain to wetland impact and buffer impact.
Z. Tripp stated it was 10:45 p.m. and asked the Board about tabling this case to the next meeting. A lot of information was presented they might want to digest.
F. Seagroves said their rules of procedure were for stopping at 10 p.m.
M. Thornton moved to table to the next regularly scheduled meeting.
J. Dargie seconded.
All voted in favor. Case # 2014-20 was tabled to the next regularly scheduled ZBA meeting.